

3-701  
PATENT  
Appl. No. 09/074,000

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TECHNOLOGY CENTER 3700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: James P. Elia	)	
	)	Group Art Unit: 3732
Serial No.: 09/064,000	)	
	)	Examiner: Nicholas D. Lucchesi
Filed: April 21, 1998	)	
	)	
For: METHOD AND APPARATUS	)	
FOR INSTALLATION OF	)	
DENTAL IMPLANT	)	

**INFORMATION DISCLOSURE STATEMENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Enclosed herewith, please find timely filed Form PTO-1449 (Modified) pertaining to the above-identified application. Also enclosed are copies of the patents, patent publications, and documents listed thereon.

All documents cited in this Information Disclosure Statement ("IDS"), except for document AX, were obtained by the undersigned attorney following the January 29, 2001 inspection of the file history of U.S. Patent No. 5,652,225 to Isner and are submitted because of the closeness of the subject matter of Isner and the instant patent application. Applicant's effective filing date for the newly added claims is at least as early as July 2, 1993. Thus, the above-mentioned Isner patent is not a competent reference because the earliest filing date

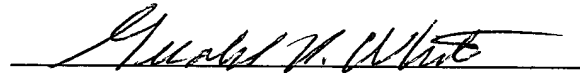
supporting the Isner patent is October 4, 1994. Applicant respectfully believes that because the claims of Isner were held to be patentable over the cited references, Applicant's claims are patentable as well over said references.

Document AX is an abstract of an article in Cell by McGinnis et. al. that shows that a single human gene can substitute for a single fruit fly gene. Applicant believes that the claimed subject matter is both novel and unobvious over the disclosure of document AX.

No fee is believed to be due because Applicant's attorney only became aware of the references cited in the above-mentioned Isner file history on January 29, 2001 and on February 13, 2001 (for document AX) (less than three (3) months prior to the date of this IDS). A certification including such facts is enclosed.

Respectfully submitted,

Date: February 14, 2001



Gerald K. White  
Reg. No. 26,611

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: James P. Elia	)	
	)	Group Art Unit: 3732
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FOR INSTALLATION OF	)	
DENTAL IMPLANT	)	

CERTIFICATION

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

I, Gerald K. White, Attorney for Applicant, hereby state that the references cited in this Information Disclosure Statement ("IDS") regarding the file history of U.S. Patent 5,652,225 were first discovered by me on January 29, 2001, less than three (3) months prior to the date of this Information Disclosure Statement. The last reference in the IDS, document AX, first became known to me on February 13, 2001.

I further state that no item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge, after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. 1.56(c) more than three (3) months prior to the filing of this statement.

Respectfully submitted,

Date: February 14, 2001



Gerald K. White  
Reg. No. 26,611

**CERTIFICATE OF MAILING**

I hereby certify that the attached INFORMATION DISCLOSURE STATEMENT, including Form PTO-1449, references cited thereon, and CERTIFICATION were delivered to the Assistant Commissioner for Patents by the undersigned from Arrow Intellectual Property Services, 2001, Jefferson Davis Highway, Suite 602, Arlington, Virginia 22202, by hand carrying said INFORMATION DISCLOSURE STATEMENT, including Form PTO-1449, references cited thereon, and CERTIFICATION to Art Unit 3732, Building 2, Second Floor, Attention: Examiner Nicholas D. Lucchesi this \_\_\_\_\_ day of February, 2001.

Dated: 2/15/01

Ann Rutledge  
Printed Name: Ann Rutledge

ARROW INTELLECTUAL PROPERTY SERVICE

# List of Patents and Publications For Applicant's Information Disclosure Statement

Page 1 of 2

Form PTO-1449 (Modified)  
(Use several sheets if necessary)

Docket No.:

Serial No.: 09/064,000

Group No.: 3732

Filing Date: April 21, 1998

Examiner: Nicholas D. Lucchesi

Applicant: James P. Elia

## Reference Designation U.S. PATENT DOCUMENTS

Examiner Initial		Document Number	Date	Name	Class	Sub-Class	Filing Date (if appropriate)
	AA	5,091,205	02/1992	Fan			
	AB	5,252,479	10/1993	Srivastava			
	AC	5,304,121	04/1994	Sahatjian			
	AD	5,328,470	07/1994	Nabel et al.			

## Foreign Patent Documents

		Document Number	Date	Country	Class	Sub-Class	Translation Yes	No
	AE	WO93/00051	01/1993	WIPO				
	AF	WO93/00052	01/1993	WIPO				

## Other Art (including author, title, date, pertinent pages, etc.)

	AG	Fram, et al., Circulation: vol. 86, No. 4, Oct., 1992. Abstract: 1515
	AH	Tischer, et al., The Journal of Biological Chemistry; vol. 266, No. 18, Issue of 6/25, pp. 11947-11954, 1991
	AI	Chapman, et al., Circulation Research: vol. 71, No. 1, Jul. 1992, pp. 27-33
	AJ	Gal, et al., Circulation: vol. 85, No. 2, Feb. 1992, pp. 756-768
	AK	Nabel, et al., Nature, vol. 362, Apr. 29, 1993, pp. 844-846
	AL	Nabel, et al., Science, Reprint Series Sep. 14, 1990, vol. 249, pp. 1285-1288

Examiner

Date Considered

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

List of Patents and Publications For  
Applicant's Information Disclosure Statement  
Page 2 of 2

Other Art (including author, title, date, pertinent pages, etc.) - CONTINUED

AM	Nabel, et al., Science, Reprint Series Jun. 16, 1989, vol. 244, pp. 1342-1344
AN	Takeshita, et al., J. Clin. Invest.; vol. 93, Feb. 1994, 662-670
AO	Riessen, et al., "Human Gene Therapy" 4:749-758 (1993); Published Dec. 1993
AP	Isner & Rosenfield; Circulation: vol. 88, No. 4, Part 1, Oct. 1993, pp. 1534-1557
AQ	Flugelman, et al., Circulation: vol. 85, No. 3, Mar. 1992, pp. 1110-1117
AR	Takeshita et al., Circulation: vol. 88, No. 4, Part 2, Oct. 1993; Abstract #1985, p. I-370
AS	Riessen, et al., Pres Release Jul. 14, 1993
AT	Riessen, et al., European Heart Journal 14:78 (1993), p. 78
AU	Riessen, et al., Abstract: JACC 21:74A, 1993, American College of Cardiology 42 <sup>nd</sup> Annual Scientific Session; Mar. 14-18, 1993
AV	Barr & Leiden; TCM 282; Revised Oct. 14, 1993, pp. 57-63
AW	Steg, et al., Circulation, vol. 90, No. 4, (1994), pp. 1648-1656
AX	McGinnis, et al., Abstract: Cell, 63(5):969-76, Nov. 30, 1990

Examiner

Date Considered

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.